

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO SAMUEL,
VINCENT HALL, ANGELETTE WATERS,
Individually, and on behalf of the Class,

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware
Corporation, LEEDS, MORELLI & BROWN, P.C.,
LENARD LEEDS, STEVEN A. MORELLI, JEFFREY
K. BROWN, JAMES VAGNINI, FREDERIC DAVID
OSTROVE, BRYAN MAZOLLA, SUSAN
FITZGERALD, and JOHN and JANE DOES 1-10, (a
fictitious designation for presently unknown
Defendants),

Defendants.

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Civil Action No. 1:07-CIV 8473

DECLARATION OF SHARI
CLAIRE LEWIS, ESQ. IN
FURTHER SUPPORT OF MOTION
TO DISMISS THE AMENDED
COMPLAINT

I, Shari Claire Lewis, pursuant to 28 U.S.C. § 1746, hereby declare the following:

1. I am a partner in the law firm of Rivkin Radler LLP, attorneys for defendants, LEEDS, MORELLI & BROWN, P.C., LENARD LEEDS, STEVEN A. MORELLI and JEFFREY K. BROWN (collectively "LM&B") in the abovementioned matter. I submit this Declaration in connection with LM&B's supplemental Memorandum of Law and in further support of the pending Motion to Dismiss the Amended Complaint pursuant to the Federal Rules of Civil Procedure §§ 8(a), 9(b) and 12(b)(6).

2. Annexed hereto as Exhibit "A" is a true and accurate copy of the plaintiffs' "First Amended Complaint", which is the operative pleading this action.

3. Annexed hereto as Exhibit "B" is a true and accurate copy of Notice of Motion to Dismiss the Plaintiffs' Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), LM&B, Certification of John R. Robertelli and Brief In Support Motion to Dismiss, and Exhibit and Order submitted therewith, which were filed by LM&B in the United States District Court of New Jersey, on December 29, 2006 in regard to this matter.

4. Annexed hereto as Exhibit “C” is a true and accurate copy of Notice of Motion to Transfer Venue Pursuant to 28 USC 1404(a), Certification of John R. Robertelli and Brief In Support Motion to Transfer Venue, and Exhibits and Order submitted therewith, which were filed by LM&B in the United States District Court of New Jersey, on December 29, 2006 in regard to this matter.

5. Annexed hereto as Exhibit “D” is a true and accurate copy of the Reply Brief in Support of LM&B’s Motion to Dismiss, which was filed in the United States District Court of New Jersey on February 16, 2007.

6. Annexed hereto collectively as Exhibit “E” are true and accurate copies of “Pledge of Good Faith” executed by each named plaintiff, dated October 10, 2000 or October 12, 2000.

7. Annexed hereto as Exhibit “F” is a true and accurate copy of “Highlight of Settlement Agreement with Nextel” which was provided to each of the plaintiffs prior to their agreement to participate in the subject alternate dispute processes that resulted in their individual settlements with Nextel.

8. Annexed hereto as Exhibit “G” is a true and accurate copy of the Order of Hon. Dennis M. Cavanaugh, U.S.D.J., of the United States District Court, District of New Jersey, dated September 21, 2007, granting LM&B’s motion to transfer venue of the action to this Court.

9. Annexed hereto as Exhibit “H” is a true and accurate copy of a portion of the charge given the jury in the matter entitled, *McNeil v. Leeds, Morelli & Brown, et.al.*, District Court, Denver, Colorado, Case No: 03 CV 893, which concerned identical claims brought by two putative absent class members.

10. Annexed hereto collectively as Exhibit “I” are true and accurate copies of the “Court’s Order Re: Final Judgment” in favor of LM&B and against plaintiffs Denise McNeil and Alencia Ashton-Moore, dated November 14, 2007, and the Special Verdict Form completed by the jury, finding against Denise McNeil and in favor of LM&B, in regard to claims of malpractice and breach of fiduciary duty in the matter entitled *McNeil v. Leeds, Morelli & Brown, et.al.*, District Court, Denver,

Colorado, Case No: 03 CV 893. The Special Verdict Form completed by the jury as to the claims by plaintiff Ashton-Moore cannot be located by the Colorado Court, but the jury reached the same result as to both plaintiffs as plainly reflected by the "Court's Order Re: Final Judgment."

11. Annexed hereto as Exhibit "J" is a true and accurate copy of the "Court's Order Re: Lawyer Defendants' Bill of Costs", dated January 30, 2008 in the matter entitled *McNeil v. Leeds, Morelli & Brown, et.al.*, District Court, Denver, Colorado, Case No: 03 CV 893.

12. Based upon the foregoing exhibits and the accompanying Memorandum of Law it is respectfully requested that the Amended Complaint be dismissed with prejudice, in its entirety or each count of relief severally and for whatever further and different relief that to this Court may seem just, proper and equitable.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Uniondale, New York
February 29, 2008

/s/Shari Claire Lewis (SL-0527)
SHARI CLAIRE LEWIS